

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

United States of America)	Cr. No. 8:11-816-HMH
)	
vs.)	
)	OPINION & ORDER
Allen Sheppard,)	
)	
Defendant.)	

This matter is before the court on the Defendant's motion for a sentence reduction pursuant to the First Step Act, Pub. L. No. 115-391, December 21, 2018, 132 Stat. 5194. The Fair Sentencing Act of 2010 reduced the sentencing disparity between cocaine base and powder cocaine offenses. Pub. L. No. 111-220, August 3, 2010, 124 Stat. 2372. The First Step Act made the Fair Sentencing Act retroactive. Pub. L. No. 115-391, December 21, 2018, 132 Stat. 5194. The Defendant argues that he is entitled to relief under the First Step Act.

On August 24, 2011, the Defendant pled guilty pursuant to a plea agreement to one count of conspiracy to possess with intent to distribute 5 kilograms or more of cocaine in violation of 21 U.S.C. § 841(b)(1)(A), and one count of possessing a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c). On April 11, 2012, the Defendant was sentenced to 262 months' imprisonment. The Defendant's sentence was reduced to 168 months' imprisonment on February 25, 2015. The Defendant did not appeal his conviction or sentence.

After review, the Defendant's motion is denied because the First Step Act does not reduce the statutory penalties associated with his conviction involving 5 kilograms or more of

cocaine under 21 U.S.C. § 841(b)(1)(A). Based on the foregoing, the Defendant's motion, docket number 214, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

May 4, 2020
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within fourteen (14) days from the date hereof, pursuant to Rule 4 of the Federal Rules of Appellate Procedure.